INFORMATION LETTER

Not for Publication — NATIONAL CANNERS ASSOCIATION — For Members Only

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N.C.A. Files Color Additives Petition

In an attempt to clarify the status of certain canned food ingredients under the newly enacted Color Additive Amendment of 1960 (see story, page 222), the N.C.A. has filed a petition with the Food and Drug Administration. The petition proposes the adoption of a regulation to the effect that ingredients used in standardized canned foods in compliance with definitions and standards of identity under the Federal Act are not color additives unless the ingredient is designated as a coloring substance in the federal standard.

The effect of the N.C.A. petition, if adopted, would be to assure packers of all standardized canned foods that the only substances used in such products subject to the pretesting and licensing provisions of the Color Additives Amendment are those substances specifically designated in the standard as coloring materials. At the present time, the only coloring substances permitted in standardized canned foods are:

(1) Artificial green color and artificial red color as optional ingredients in canned pears, canned pears with rum, and artificially sweetened canned pears,

(2) Artificial red coloring as an optional ingredient in cherries in canned fruit cocktail and artificially sweetened canned fruit cocktail, and

(3) Artificial coloring as an optional ingredient in canned peas.

The Association's petition deals only with canned foods presently covered by federal definitions and standards of identity. It is expected that subsequent petitions will be submitted, designed to make clear the status of ingredients used in many nonstandardized canned foods, after the Association has had an opportunity to consult with canners in all parts of the country.

The portions of the petition containing the proposed regulation, and the supporting arguments, are reprinted below:

PROPOSAL

11. The broad definition of "color additive" in the Color Additive Amendment of 1960 includes any food ingredient *capable* of imparting color to a food, except for those materials determined by the Secretary "by regulation" to be used solely for a purpose or purposes other than coloring (21 U.S.C. § 321(t)(1), as amended). In view of the complicated and costly requirements imposed on users of color additives by the Color Additive Amendment of 1960, it is extremely important that the Secretary make the required determinations under Section 201(t)(1) as quickly and expeditiously as possible. Until the Secretary finds by regulation that particular materials are used solely for a purpose or purposes other than coloring, manufacturers and distributors of foods and food ingredients will be unable to determine their obligations under the Federal Food, Drug, and Cosmetic Act.

Much of the uncertainty created by the Color Additive Amendment of 1960 can be quickly and easily removed for packers of canned fruits, juices, vegetables and fish, if the Secretary immediately adopts a regulation providing that with regard to certain standardized foods only those ingredients specifically designated in the definition and standard of identity as used for coloring purposes be included within the meaning of the term "color additive." It is therefore requested—

That a regulation be adopted under Section 201(t)(1), as follows:

"All ingredients in canned fruits and canned fruit juices, canned fish, canned vegetables, and canned tomato products, used in compliance with a definition and standard of identity prescribed by regulations pursuant to Section 401 of the Federal Food, Drug, and Cosmetic Act, and contained in Parts 27, 36, 37, 51, 53, Title 21 of the Code of Federal Regulations, are used solely for a purpose or purposes other than coloring, and are not 'color additives' within the meaning of that term as defined in Section 201(t)(1) of the Act, as amended by the Color Additive Amendment of 1960 (Public Law 86-618),

"*Provided*, That this determination does not apply to ingredients specifically designated in the definitions and standards of identity as used for coloring purposes."

BASIS FOR PETITION

12. It is clear that Congress, in enacting the Color Additive Amendment of 1960, intended to make the testing, listing and certification procedures applicable to coloring substances used as such in food, drugs, and cosmetics. Instead of defining the term "color additive" in precise and narrow terms, Congress chose to employ a broad definition that by its terms would apply to almost any material *capable* of imparting color to food, and to provide that the Secretary should by regulations determine which materials, although capable of imparting color, are not used for that purpose by product manufacturers.

13. This approach of Congress casts an immediate responsibility on the Secretary to determine the status of thousands of foods and food ingredients. No food manufacturer or ingredients supplier can independently arrive at a determination with regard to a particular substance, for the provisions of the Color Additive Amendment are applicable to *all* foods and ingredients capable of imparting color *until such time* as the Secretary determines that particular substances are not used for coloring purposes. Until that determination is made, a manufacturer will necessarily be uncertain as to his obligations under the Federal Food, Drug, and Cosmetic Act.

14. The petitioners therefore propose that the Secretary move quickly and expeditiously to fulfill his responsibilities under Section 201(t)(1). Initially, it is proposed that all un-

FDA Standards for Canned Fruits

The FDA this week issued an order establishing definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums; and another order amending the definition and standard of identity for canned pineapple.

The text of the order establishing standards for canned prunes, grapes, berries, and plums is reproduced on page 225.

The text of the order amending the standard for canned pineapple is reproduced on page 228.

certainty with regard to the status of ingredients used in canned foods subject to a definition and standard of identity be removed by means of a blanket determination for these ingredients, in reliance on the previous determination made by the Secretary for all such ingredients at the time the particular definitions and standards of identity were promulgated.

15. In carrying out his responsibility under Section 401 of the Act, the Secretary has promulgated a number of definitions and standards of identity for canned foods, as well as for many other foods and food products. These standards prescribe which substances must be used in the product as mandatory ingredients and which may be added as optional ingredients, subject to specified labeling requirements. The basis for the inclusion of a substance as a mandatory or optional ingredient is in each instance found in the record of the public hearing, if one was held, or in the information before the Secretary on which he based his order.

16. Necessarily the Secretary was obliged to determine the purpose for which a specific ingredient would be used in the standardized food, for in no other way could he carry out his statutory responsibility of deciding whether the proposed standard would promote honesty and fair dealing in the interest of consumers. In those cases where the nature of the ingredient does not itself disclose the purpose for its inclusion, the definition and standard of identity promulgated by the Secretary makes explicit the purpose for which a specific ingredient is used. The published standards thus make it clear whether a particular ingredient is used as a flavoring, seasoning, preservative, packing medium, firming agent, acidifier, sweetener, or coloring.

17. Since the purpose for use has already been determined by the Secretary for all ingredients in standardized foods, it would appear that the Secretary may rely upon this determination as a basis for a regulation promulgated under Section 201(t)(1), as amended by the Color Additive Amendment. All ingredients in canned foods used in compliance with a definition and standard of identity should be determined by the Secretary to be used for a purpose or purposes other than coloring, except for those ingredients specifically designated in the standard as used for coloring purposes. Although the basis for this proposal is applicable to all standardized foods, the proposed regulation is limited to canned foods in view of the particular interests of the National Canners Association and its members.

18. Once the proposed regulation is promulgated by the Secretary, packers of standardized canned foods will know which provisions of the Federal Food, Drug, and Cosmetic Act are applicable to the specific ingredients in their products. Only those coloring substances denominated as such in the particular definition and standard of identity will be subject to the testing, listing and certification provisions of the Color Additive Amendment. All other substances used in standardized canned foods in conformance with the requirements of the standard, will of course remain subject to the applicable adulteration and misbranding provisions of Sections 402 and 403 of the Act.

Summary of the Color Additive Amendment of 1960

The Color Additive Amendment of 1960 recently passed by Congress and signed by the President provides for a comprehensive system of pretesting and licensing by the Food and Drug Administration of all colors used in foods, drugs, and cosmetics. The Amendent subjects to administrative licensing control every color now or hereafter commercially employed in any food, drug, and cosmetic, and became immediately effective when signed by the President on July 12, 1960.

The fundamental purpose of the legislation was to enact an up-to-date pretesting and listing procedure for coloring substances, similar to that now in effect for food additives, to replace the inadequate coal-tar color provisions of the Federal Food, Drug, and Cosmetic Act. The old coal-tar color provisions of the Act permitted the use of such colors in foods, drugs, and cosmetics only if they were "harmless." The Food and Drug Administration took the position, subsequently approved by the Supreme Court, that the term "harmless" meant absolutely harmless, and that coal-tar colors could not be permitted for use on a tolerance basis.

If it could thus be shown that a coal-tar color in any amount had injurious effects on man or animal, then that coal-tar color could not be used in foods, drugs, and cosmetics, under any conditions. Acting on the basis of scientific information that had only recently become available, the FDA had proceeded to delist a number of coal-tar colors previously approved as harmless.

The principal objection of the FDA to the old coal-tar color provisions was that the burden was on the FDA to prove that a particular coal-tar color was harmful before its use could be prohibited, rather than on the manufacturer or user to prove that it was safe.

The Color Additive Amendment was drafted by the Food and Drug Administration, in cooperation with the coal-tar color industry, and was designed to meet the objections of each to the old procedures. In addition, it was provided that *all* colors would be subject to the same regulatory procedures.

The Color Additive Amendment thus provides that *all* substances used in foods, drugs, and cosmetics and *capable* of imparting color thereto are color additives, unless the Secretary determines by regulation that such a substance is used solely for purposes other than coloring. This definition includes coal-tar colors and other artificial and natural coloring materials. It goes further than that, however, and includes even natural food ingredients not generally considered as coloring substances if those ingredients contribute color to the final product.

The N.C.A. had strongly objected to the broad definition of color additive contained in the Amendment, on the ground that it would cover virtually all foods and food ingredients capable of imparting color. The Association had proposed that the Amendment be restricted to coal-tar colors, pointing out that all other substances used in food, whether for coloring or other purposes, were covered by the Food Additives Amendment of 1958. Congress chose to accept the FDA and coal-tar color industry proposal, and refused to restrict the scope of the definition of color additive (see INFORMATION LETTERS of Feb. 13, page 73; June 4, page 188; and July 2, page 205).

For a period up to 2½ years all color additives commercially in use on July 12, 1960, are deemed to be provisionally listed under the Color Additive Amendment and may continue to be used, unless the Secretary determines that such substances should no longer be used, or should be used only under certain conditions, in order to protect the public health.

During the initial 2½ year period, or for a longer period if extended by the Secretary, all color additives will have to be subjected to testing procedures by manufacturers or by those who use them in foods, drugs, and cosmetics, and eventually cleared for use by regulations under the Color Additive listing provisions. These listing procedures and the factors to be considered by the Secretary in determining whether a color additive is safe for use are similar to those of the Food Additives Amendment of

1958 (see INFORMATION LETTER of Oct. 4, 1958).

There are significant differences, however, between the color additive provisions and the procedures under the Food Additives Amendment. First, those wishing to obtain a listing for a color additive for use will be obliged to pay fees to cover the costs involved in licensing the color for use.

A second difference is that batches of color additives must be certified for use by the FDA, unless the Secretary specifically determines that a particular substance need not be subject to the batch certification procedures.

Of even greater consequence to food manufacturers is the fact that the Color Additive Amendment contains no grandfather clause exempting from licensing controls any color already given prior approval by a government agency, or a color now considered safe by qualified experts on the basis of previous study or long use. Thus, every natural or synthetic substance used by a manufacturer to impart color to a food, every decolorizing substance, and presumably an ingredient used for color retention will be subject to the licensing provisions of the Amendment.

The Amendment does provide, however, that a color additive shall be deemed safe for use generally in food, while there is in effect a published finding of the Secretary declaring such substance exempt from *Food* Additives coverage because of its being generally recognized as safe for use. The Food Additives Amendment does not give the Secretary authority to determine which food ingredients are generally recognized as safe and therefore exempt from coverage, but instead merely provides that such substances are exempt. But in order to assure food manufacturers, the Secretary has published lists of substances that the FDA regards as exempt. These lists are purely discretionary and are not binding on manufacturers or the courts. The FDA itself has said that many substances not appearing on the exempt lists are nevertheless generally recognized as safe.

The provision in the *Color* Additive Amendment to the effect that a substance is deemed safe if there is in effect a published finding of the Secretary that it is exempt from the *Food* Additives Amendment cannot therefore be relied upon by manufacturers as a permanent exemption from the Color Additive Amendment. The substance must nevertheless be *listed* for use under the Color Additive Amendment, and if at any time the substance is taken off the Food Additives exempt list by the Secretary, for any reason whatsoever, it immediately becomes subject to the same pretesting procedures required for all other color additives.

The initial problem for canners and other food and drug manufacturers under the Color Additive Amendment is to determine precisely what substances are covered by the Amendment. As indicated above, the definition of color additive includes all substances capable of imparting color unless the Secretary determines that particular substances are not used for coloring purposes. Thus, if an ingredient in a food product in any way imparts color to the product, the manufacturer must determine whether that ingredient is used for coloring purposes. If he feels that the ingredient is *not* used for coloring purposes in any way, but is used for flavoring, seasoning, or any other noncoloring purpose, then the FDA should be requested to issue a regulation specifically providing that such ingredient is not used for coloring purposes and is not therefore subject to the licensing provisions of the Amendment.

The N.C.A. has already filed such a petition with the Food and Drug Administration for all ingredients used in standardized canned foods (see story, page 221). It is expected that other petitions will be filed by the Association as information is assembled with regard to nonstandardized canned foods.

Stocks of Canned Foods on July 1 and Season Shipments

(N.C.A. Division of Statistics)

	Carryover month	Case basis	Supply 1958–59	Supply 1959–60	Canners' Stocks, July 1 1959	Canners' Stocks, July 1 1960	Season Shipments to July 1 1959	Season Shipments to July 1 1960
			(thousands of cases)					
Apples	Sept.	6/10	4,698	4,888	1,209	1,592	3,429	3,296
Applesauce	Sept.	actual	17,839	19,235	3,735	4,470	14,105	14,765
Green and wax beans	July	actual	34,015	33,159	6,111	*4,050	27,904	29,110
Corn	Aug.	actual	37,258	42,823	4,070	4,726	33,188	38,098

* Carryover from 1959 pack into 1960–61 season.

Shipments of Metal Cans and Glass Containers, Jan.-May

(Bureau of the Census, U.S. Department of Commerce)

METAL CANS

	Jan.-May cumulative 1959	Jan.-May cumulative 1960
	(short tons of steel)	
Fruit and fruit juices (including cans for fruit base still drinks sold as soft drinks)	416,294	237,310
Vegetable and vegetable juices		172,818
Meat, including poultry	58,864	61,313
Fish and sea food	43,046	49,682
Baby food, including formulas	200,281	17,650
"Other" foods, including soups		199,074

GLASS CONTAINERS

	Jan.-May cumulative 1959	Jan.-May cumulative 1960
	(thousands of gross)	
Wide-mouth food (including fruit jars, jelly glasses, and packers' tumblers)	16,991	17,190
Narrow-neck food	5,958	6,353

International Tin Agreement

A new International Tin Agreement was approved recently at a United Nations Tin Conference. It will replace the present Agreement which will expire next June 30. The United States did not participate in the first Agreement and is not now represented in the second Agreement.

The International Tin Agreement utilizes several devices intended to assure stability for both producers and consumers of tin. Under the Agreement a buffer stock is maintained, with minimum and maximum prices, and each of the producer countries is allotted a percentage of the total market. The two largest quotas are 38 percent for Malaya and 19½ percent for Indonesia.

USDA Sugar Quotas for 1960

USDA announced July 15 an increase of 400,000 tons in the estimate of total sugar requirements for 1960 from 9,600,000 to 10,000,000 tons.

This was the first increase in sugar quotas for 1960 and was made, USDA said, in keeping with the requirements of the Sugar Act to assure a supply of sugar at fair prices to meet consumer needs and protect the welfare of the domestic sugar industry.

Canned Foods for School Lunch

GREEN BEANS

USDA announced July 19 that it contemplates purchasing canned green beans of the 1960 pack for the National School Lunch Program, using funds appropriated under the National School Lunch Act.

Offers will be considered on canned green beans, cut style, round type, packed in No. 10 cans. Offers must be received by the Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Washington 25, D.C., by 4 p.m. EDT August 5 for acceptance by August 12. Delivery will be required during the period September 6 through October 17.

Further details regarding the purchase may be obtained from Claude S. Morris of the Fruit and Vegetable Division (telephone DUdley 8-2781).

RED TART PITTED CHERRIES

Due to the lateness of the growing season, USDA has extended the deadline for receipt of offers of canned red tart pitted cherries, under the purchase program announced July 15. The deadline for receipt of offers was extended to August 2, and acceptance will be made by August 5.

New Pear Varieties Reported

Small quantities of budwood of three new pear varieties which have shown promise under test have been released by USDA for increase by nurserymen. They will probably be available from those sources in 1962. The varieties are known as Magness and Moonglow, developed for central and eastern states, and Dawn for western states. The varieties are the result of 15 years of research undertaken by USDA scientists at Beltsville, but regional tests have not been made and performance of the new fruits is still to be determined under local conditions.

A USDA press release of July 5 stated that Magness is highly resistant to pear blight, is high in fruit quality, sweet flavored, juicy, highly aromatic, with strong russet-colored skin somewhat resistant to insect punctures and decay, its flesh is softer than that of Bartletts. The fruit matures about one week later than Bartlett and ripens in about 10 days when stored at 70°F.

Moonglow and Dawn closely resemble Bartlett in shape and other respects. The fruit of both matures about two weeks earlier than Bartlett, the skin is smooth, and the fruit of good quality, aromatic, and slightly acid.

Moonglow is larger than Dawn, ripens in 15 to 18 days after picking, is moderately juicy, and quite free of grit cells. It is well suited to both canning and fresh market sales.

Dawn, named because of its early maturity, is small and juicy, has a spicy flavor, and ripens in 12 to 14 days after harvest. It is reported to be a good canning pear.

Raw Products Research

SEED QUALITY SUBCOMMITTEE OF THE RAW PRODUCTS RESEARCH COMMITTEE

This subcommittee concerned with problems of vegetable seed quality was established in 1952. Present members are L. A. Polzak, The Larsen Company, Chairman; Ray Floate, Michigan Fruit Canners, Inc.; L. E. Mayer and H. K. Schultz, Stokely-Van Camp, Inc.; Carl G. Smith, Gerber Products Company; and O. C. Zoebisch, Libby, McNeill & Libby.

Much of the early work of this subcommittee was devoted to delineating areas of study and developing a preliminary yardstick for evaluating seed quality in terms of seedling vigor and field performance. This early work was carried on with the cooperation of the seedsmen and with several experiment stations and led to the publication of a method for evaluating seed quality in 1957.

In more recent years the subcommittee has concentrated primarily on encouraging increased research on seed quality problems among experiment station and USDA workers. Contacts have been made with state and federal workers to present industry thinking with regard to needed research on seed quality problems. The subcommittee's thinking was also presented to the Interregional Coordinating Committee for Seed Technology Research and a list of projects prepared by the subcommittee based on a survey of industry representatives was distributed to numerous agencies interested in the field of seed research. The subcommittee has worked to increase cooperation between seedsmen and canners in supporting noncontroversial basic research on seed technology problems at experiment stations and in the USDA. This program has gone forward actively this year.

During 1960 the subcommittee will maintain established contacts with experiment station and USDA workers conducting research in seed technology, and establish new ones as the opportunity presents itself. The subcommittee will also cooperate with the Interregional Coordinating Committee for Seed Technology Research in giving this group the benefit of industry thinking with regard to proposed research in seed technology.

Meat Canned in June

(Agricultural Marketing Service of USDA)

	3 Lbs. & over	Under 3 Lbs.	Total
	(*thousands of pounds*)		
Luncheon meat	11,678	10,645	22,323
Canned hams	15,814	474	16,288
Beef hash	310	3,820	4,130
Chili con carne	619	5,026	5,645
Vienna sausage	69	4,338	4,407
Frankfurters and wieners in brine	3	47	50
Deviled ham	.....	831	831
Other potted and deviled meat products	11	1,728	1,739
Tamales	26	655	681
Sliced, dried beef	14	242	256
Chopped beef	.....	431	431
Meat stew	84	5,910	5,994
Spaghetti meat products	272	9,986	10,258
Tongue (not pickled)	33	30	63
Vinegar pickled products	712	1,443	2,155
Sausage	.....	457	457
Hamburger	549	1,997	2,546
Soups	1,895	49,887	51,782
Sausage in oil	347	159	506
Tripe	.....	204	204
Brains	.....	148	148
Loins and picnics	2,384	149	2,533
All other products 20% or more meat	545	6,838	7,383
All other products less than 20% meat (except soup)	635	19,191	19,826
Total	36,002	124,636	160,638

Columns do not add to totals shown in all cases since rounded figures are used. Amounts packed for defense are not included in these items. Total production, including quantities for defense agencies, was 165,096,832 pounds.

1959 Pack of Pie Fillings

(N.C.A. Division of Statistics)

	1958	1959
	(*actual cases*)	
Apple	802,629	800,734
Cherry	1,216,859	1,357,394
Peach	280,599	270,790
Other fruits	300,380	341,100
Blueberry	395,888	401,242
Other berries	475,965	176,180
U. S. Total	3,472,320	3,347,440

Other fruits include apricot, apricot-pineapple mix, french apple, pineapple, prune, raisin, and rhubarb-strawberry mix. Other berries include blackberry, boysenberry, huckleberry, raspberry, and strawberry.

FDA Order Establishing Standards of Identity for Canned Prunes, Seedless Grapes, Berries, and Plums

Following is the text of the FDA order establishing definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums, as published in the *Federal Register* of July 22:

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PRUNES, CANNED SEEDLESS GRAPES, CANNED BERRIES, AND CANNED PLUMS; ORDER ESTABLISHING STANDARDS OF IDENTITY [1]

In the matter of establishing definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums:

A notice of proposed rule making was published in the *Federal Register* of March 25, 1960 (25 F.R. 2545), setting forth proposals by the National Canners Association, 1133 Twentieth Street NW., Washington, D.C., to establish definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums. Each proposal contained definitions of the optional saccharine ingredients to be used in preparing the packing media for these canned fruits. Since the definitions of such optional saccharine ingredients in § 27.1 apply to all the identity standards for food in this chapter, they need not be repeated in the identity standards established by this order.

Interested persons were invited to submit views and comments on the proposals. The only comment filed was an objection to these standards submitted by a manufacturer of lactose, whose comment was that no standards for these canned fruits should be established unless they are changed to include lactose. No data concerning canned fruits with added lactose was submitted.

Upon consideration of the proposals, the comment submitted, and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums should be adopted as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611): *It is ordered*, That Part 27 be amended by adding thereto the following new sections:

§27.15 Canned prunes; identity, label statement of optional ingredients.

(a) Canned prunes is the food prepared from dried prunes, with or without one of the optional packing media specified in paragraph (b) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice

(2) Flavoring, other than artificial flavoring.

(3) A vinegar.

(4) Citric acid.

(5) Lemon juice.

(6) Unpeeled pieces of citrus fruits.

Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.

(ii) Light sirup.

(iii) Heavy sirup.

(iv) Extra heavy sirup.

(2) Each of packing media in subparagraph (1) (ii) to (iv), inclusive, of this paragraph is prepared with water and one of the optional saccharine ingredients specified in paragraph (c) of this section.

(3) The respective densities of packing media in subparagraph (1) (ii) to (iv), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after the prunes are canned, are within the range set out after the name of each in the following list:

Name of packing medium	*Brix measurement*
Light sirup	20° or more but less than 24°.
Heavy sirup	24° or more but less than 30°.
Extra heavy sirup	30° or more but not more than 45°.

(c) The optional saccharine ingredients referred to in paragraph (b) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any mixture of sugar and invert sugar sirup.

(4) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided the weight of the solids of the dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.

(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(d) Wherever the word "prunes" appears on the label in the name of the food prepared with a packing medium it shall be preceded by one of the words "cooked," "stewed," or "prepared," and shall be followed by the name whereby the optional packing medium used is designated in paragraph (b) of this section, preceded by "in" or "packed in." Wherever the word "prunes" appears on the label in the name of the food prepared without added packing medium it shall be preceded by the word "moistened" or the words "moist pack," and shall be followed by the words "without sirup." The statement "prepared from dried prunes," which is a part of the name of the food, shall immediately follow the name of the optional packing medium or the words "without sirup," as the case may be, without intervening written, printed, or graphic matter. The type used for the words "prepared from dried prunes" shall be of the same style and not less than one-half of the point size of the type used for the word "prunes."

(e) When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth after the number of such subparagraph:

(a) (1) "Spiced" or "spice added" or "with added spice" or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "with added flavoring" or, in lieu of the word "flavoring," the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "seasoned with .....vinegar," the blank being filled in with the name of the vinegar used.

(a) (4) "Citric acid added" or "with added citric acid."

(a) (5) "Lemon juice added" or "with added lemon juice."

(a) (6) " ..... added" or "with added ....." the blank being filled in with the name of the citrus pieces used.

When two or more of the optional ingredients specified in paragraph (a)

[1] Statement of policy § 3.13 *Notice to canners and distributors of canned prunes, canned seedless grapes, canned berries, and canned plums*, published March 25, 1960 (25 F.R. 2516) exempted the listed canned fruits from certain requirements for labeling pending rulings on the proposed standards. It is intended that an announcement shall be published rescinding § 3.13 when the notice confirming the effective date of the identity standards for these canned fruits is published.

of this section are used, such words may be combined, as for example, "with added spices, lemon slices, and lemon juice."

(f) Wherever the name of the food and the other labeling prescribed by paragraph (d) of this section appear on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in paragraph (e) of this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the prunes may so intervene or may immediately precede the word "prunes" in the name.

§27.25 Canned seedless grapes; identity; label statement of optional ingredients.

(a) Canned seedless grapes is the food prepared from one of the optional grape ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring, other than artificial flavoring.

(3) A vinegar.

Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) The optional grape ingredients referred to in paragraph (a) of this section are prepared from stemmed grapes of the light or dark seedless varieties or from unstemmed clusters of such grapes. For the purposes of paragraph (e) of this section, the names of such optional grape ingredients are "light seedless grapes" or "dark seedless grapes," as the case may be, preceded by the words "unstemmed clusters" where appropriate.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.

(ii) Grape juice.

(iii) Slightly sweetened water.

(iv) Light sirup.

(v) Heavy sirup.

(vi) Extra heavy sirup.

As used in this section, the term "grape juice" means the fresh or canned expressed juice of mature grapes of the same variety as the optional fruit ingredient, and the term "water" means, in addition to water, any mixture of water and grape juice.

(2) Each of packing media in subparagraph (1) (iii) to (vi), inclusive, of this paragraph is prepared with water and one of the optional saccharine ingredients specified in paragraph (d) of this section.

(3) The respective densities of packing media in subparagraph (1) (iii) to (vi), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after the grapes are canned, are within the range prescribed after the name of each in the following list:

Name of packing medium	*Brix measurement*
Slightly sweetened water	Less than 14°.
Light sirup	14° or more but less than 18°.
Heavy sirup	18° or more but less than 22°.
Extra heavy sirup	22° or more but not more than 35°.

(d) The optional saccharine ingredients referred to in paragraph (c) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any mixture of sugar and invert sugar sirup.

(4) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided that the weight of the solids of the dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.

(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(e) The label shall bear the name of the optional grape ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "in" or "packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth after the number of such subparagraph:

(a) (1) "Spiced" or "spice added" or "with added spice," or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "with added flavoring," or, in lieu of the word "flavoring," the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "seasoned with vinegar," the blank being filled in with the name of the vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "seasoned with cidervinegar, cloves, and cinnamon oil."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the grapes may so intervene.

§27.35 Canned berries; identity; label statement of optional ingredients.

(a) The canned berries for which definitions and standards of identity are prescribed by this section are the foods each of which is prepared from one of the optional berry ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) The optional berry ingredients referred to in paragraph (a) of this section are prepared from stemmed fruit of the following varieties:

Blackberries.
Blueberries.
Boysenberries.
Dewberries.
Gooseberries
Huckleberries.
Loganberries.
Black raspberries.
Red raspberries.
Strawberries.
Youngberries.

The fruit of each such variety is an optional berry ingredient.

(c) (1) The optional packing media referred to in paragraph (a) of this section are as follows:

(i) Water.

(ii) Berry juice.

(iii) Slightly sweetened water.

(iv) Light sirup.

(v) Heavy sirup.

(vi) Extra heavy sirup.

(vii) Slightly sweetened berry juice.

(viii) Light berry juice sirup.

(ix) Heavy berry juice sirup.

(x) Extra heavy berry juice sirup.

As used in this section, the term "berry juice" means the fresh or canned expressed juice of berries of the same variety as the optional berry ingredient, and the term "water" means, in addition to water, any mixture of water and berry juice.

(2) Each of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1) (iii) to (vi) of this paragraph, inclusive, are prepared, and berry juice is the liquid ingredient from which packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, are prepared is one of the op-

tional saccharine ingredients specified in paragraph (d) of this section. Where the saccharine ingredient used adds water to the packing medium, as it will if it includes invert sugar sirup, corn sirup, or glucose sirup other than such sirups in dried form, the packing medium shall be considered to be one of those designated in subparagraph (1) (iii) to (vi) of this paragraph and not a berry juice packing medium as designated in subparagraph (1) (vii) to (x) of this paragraph.

(3) The respective densities of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after the berries are canned, fall within the range prescribed for each in the following table of optional packing media:

OPTIONAL PACKING MEDIA

Optional berry ingredient	(c)(1) (iii) and (vii): Slightly sweetened water and slightly sweetened berry juice		(c)(1) (iv) and (viii): Light sirup and light berry juice sirup		(c)(1) (v) and (ix): Heavy sirup and heavy berry juice sirup		(c)(1) (vi) and (x): Extra heavy sirup and extra heavy berry juice sirup	
	Minimum brix	Maximum brix less than—	Minimum brix	Maximum brix less than—	Minimum brix	Maximum brix less than—	Minimum brix	Maximum brix not more than—
	Degrees	*Degrees*	*Degrees*	*Degrees*	*Degrees*	*Degrees*	*Degrees*	*Degrees*
Blackberries	14	14	19	19	24	24	35	
Blueberries	15	15	20	20	25	25	35	
Boysenberries	14	14	19	19	24	24	35	
Dewberries	14	14	19	19	24	24	35	
Gooseberries	14	14	20	20	26	26	35	
Huckleberries	15	15	20	20	25	25	35	
Loganberries	14	14	19	19	24	24	35	
Black raspberries	14	14	20	20	27	27	35	
Red raspberries	14	14	22	22	28	28	35	
Strawberries	14	14	19	19	27	27	35	
Youngberries	14	14	19	19	24	24	35	

(d) The optional saccharine ingredients referred to in paragraph (c) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any mixture of sugar and invert sugar sirup.

(4 Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided that the weight of the solids of the dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.

(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(e) The label shall bear the name of the optional berry ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "in" or "packed in."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the berries may so intervene.

§ 27.45 Canned plums; identity; label statement of optional ingredients.

(a) Canned plums is the food prepared from one of the optional plum ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring, other than artificial flavoring.

(3) A vinegar.

Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) The optional plum ingredients referred to in paragraph (a) of this section are prepared from mature plums of the domestic (*Prunus domestica L.*) varietal groups, and are in the following forms of units: Unpeeled whole, peeled whole, unpeeled halves, peeled halves. In the case of halves, the plums are pitted, and in the case of whole plums they may be pitted or unpitted. For the purposes of paragraph (e) of this section, the names of such optional plum ingredients are "..... plums," the blank being filled in with the name of the variety or varietal type of the plums, for example, "purple," "greengage," etc., preceded or followed by the word "whole," "halves," or "halved," as the case may be. The name of the optional plum ingredient shall include the word "peeled" when appropriate, and in the case of whole plums the word "pitted" if such ingredient is pitted as, for example, "pitted whole purple plums," "whole pitted purple plums," "peeled halves purple plums," "peeled purple plums halved."

(c) (1) The optional packing media referred to in paragraph (a) of this section are as follows:

(i) Water.

(ii) Plum juice.

(iii) Slightly sweetened water.

(iv) Light sirup.

(v) Heavy sirup.

(vi) Extra heavy sirup.

(vii) Slightly sweetened plum juice.

(viii) Light plum juice sirup.

(ix) Heavy plum juice sirup.

(x) Extra heavy plum juice sirup.

As used in this section, the term "plum juice" means the fresh or canned expressed juice of mature plums of the same varietal group as the optional plum ingredient, and the term "water" means, in addition to water, any mixture of water and plum juice.

(2) Each of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1) (iii) to (vi) of this paragraph, inclusive, are prepared and plum juice is the liquid ingredient from which packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, are prepared is one of the optional saccharine ingredients specified in paragraph (d) of this section. Where the saccharine ingredient used adds water to the packing medium, as it will if it includes invert sugar sirup, corn sirup, or glucose sirup other than such sirups in dried form, the packing medium shall be considered to be one designated in subparagraph (1) (iii) to (vi), inclusive, of this paragraph and not a plum juice packing medium as designated in subparagraph (1) (vii) to (x), inclusive, of this paragraph.

(3) The respective densities of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph, as measured on the Brix hydrometer 15 days or more after canning, are within the range prescribed for each in the following list:

Number of packing medium in the case of purple plums	*Brix measurement*
(1) (iii) and (vii)	Less than 18°.
(1) (iv) and (viii)	18° or more but less than 21°.
(1) (v) and (ix)	21° or more but less than 26°.
(1) (vi) and (x)	26° or more but not more than 35°.

Number of packing medium in the case of all other varieties	*Brix measurement*
(1) (iii) and (vii)	Less than 16°.
(1) (iv) and (viii)	16° or more but less than 19°.
(1) (v) and (ix)	19° or more but less than 24°.
(1) (vi) and (x)	24° or more but not more than 35°.

(d) The optional saccharine ingredients referred to in paragraph (c) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any mixture of sugar and invert sugar sirup.

(4) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided that the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.

(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the weight of the solids of the combined saccharine ingredients.

(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(e) The label shall bear the name of the optional plum ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "in" or "packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used the label shall bear the words set forth after the number of such subparagraph:

(a) (1) "Spiced" or "spice added" or "with added spice," or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "with added flavoring" or, in lieu of the word "flavoring," the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "seasoned with ..... vinegar," the blank being filled in with the name of the vinegar.

When two or more of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as, for example, "with added spices and vinegar."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the *Federal Register* file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the *Federal Register* except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the *Federal Register*.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: July 18, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

FDA Amendment to Standard of Identity for Canned Pineapple

Following is the text of the FDA order amending the definition and standard of identity for canned pineapple so as to permit the use of mint flavoring, spice, flavoring (other than artificial flavoring), and vinegar as optional ingredients, as published in the *Federal Register* of July 20:

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PINEAPPLE; ORDER AMENDING STANDARD OF IDENTITY

In the matter of amending the definition and standard of identity for canned pineapple:

A notice of proposed rule making was published in the *Federal Register* of March 25, 1960 (25 F.R. 2548), setting forth a proposal by the National Canners Association, 1133 Twentieth Street NW., Washington 25, D.C., to amend the definition and standard of identity for canned pineapple to provide for the optional addition of mint flavoring. The Commissioner of Food and Drugs invited interested persons to submit their views and comments on the proposal and also on the advisability of expanding the proposed amendment to make spice, flavoring (other than artificial flavoring), and vinegar permitted optional ingredients.

Upon consideration of all views and comments submitted and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers the definition and standard of identity for canned pineapple should be amended as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948, 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That the definition and standard of identity for canned pineapple (21 CFR 27.50) be amended as follows:

1. Section 27.50(a) is amended by inserting a new sentence reading, "Canned pineapple may be flavored or seasoned with one or more of the optional ingredients specified in paragraph (e) of this section" immediately preceding the last sentence of that paragraph, so that as amended the last two sentences in § 27.50(a) shall read:

(a) * * * Canned pineapple may be flavored or seasoned with one or more of the optional ingredients specified in paragraph (e) of this section. Such food is sealed in containers, and is so processed by heat, either before or after sealing, as to prevent spoilage.

2. Section 27.50 is further amended by inserting therein a new paragraph to provide for the use of the optional ingredients spice, flavoring, and vinegar and a new subparagraph in redesignated paragraph (g) to provide for appropriate labeling. As amended, § 27.50(e), (f), and (g) read as follows:

(e) The optional ingredients referred to in paragraph (a) of this section are as follows:

(1) Spice.

(2) Flavoring, other than artificial flavoring.

(3) A vinegar.

(f) The name of the canned pineapple prepared from each of the optional forms of pineapple ingredient specified in paragraph (a) of this section is as follows:

(1) If the option form is one designated in paragraph (a) (1) to (7), inclusive, of this section, the name is "pineapple," preceded or followed, for each of the indicated optional forms of units, by the words here specified:

(a) (1) "Sliced" or "slices."
(a) (2) "Half sliced" or "half slices."
(a) (3) "Broken sliced" or "broken slices."
(a) (4) "Tidbits."
(a) (5) "Chunks."
(a) (6) "Cubes" or "diced."
(a) (7) "Spears" or "fingers."

(2) If the optional form is one designated in paragraph (a) (8) of this section, the name is "pineapple," preceded or followed by the word "crushed." If the crushed pineapple, when drained by the method specified in §27.51 (b) (1), yields not less than 73 percent but less than 78 percent by weight of drained material, the word "crushed" or the words "crushed pineapple" in the name of the food may be preceded or followed by the words "heavy pack," and if it yields 78 percent or more by weight of drained material the word "crushed" or the words "crushed pineapple" may be preceded or followed by the words "solid pack."

(g) (1) The labels of canned pineapple prepared from the optional forms of pineapple specified in paragraph (a) (1) to (7), inclusive, of this section shall bear the name of the optional packing medium used as specified in paragraph (b) of this section, preceded by "in" or "packed in." Whenever the optional packing medium pineapple juice, as specified in paragraph (b) (2) of this section, is used, the words "pineapple juice" may be preceded by the word "unsweetened." The labels of crushed pineapple canned with the optional packing media specified in paragraph (b) (2) to (6), inclusive, of this section shall bear the statement "in ....." or "packed in ....." the blank being filled in with the name of the optional packing medium used as specified in paragraph (b) of this section, but in lieu of such statement crushed pineapple canned with pineapple juice (paragraph (b) (2) of this section) may be labeled "unsweetened," and crushed pineapple canned with pineapple juice and sugar may be labeled "lightly sweetened" or "heavily sweetened" or "extra heavily sweetened," if the drained liquid conforms to the density ranges specified in paragraph (c) of this section for light sirup, heavy sirup, or extra heavy sirup, respectively.

(2) When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (e) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(e) (1) "Spiced" or "spice added" or "with added spice" or, in lieu of the word "spice," the common name of the spice.
(e) (2) "Flavoring added" or "with added flavoring" or, in lieu of the word "flavoring," the common name of the flavoring.
(e) (3) "Seasoned with vinegar" or "seasoned with ..... vinegar," the blank being filled in with the name of the vinegar used.

When two or all of the optional seasoning ingredients specified in paragraph (e) (1), (2), and (3) of this section are used, such words may be combined, as for example, "seasoned with vinegar, cloves, and cinnamon oil."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall conspicuously precede or follow the name, without intervening written, printed, or graphic matter, except that the adjectival designation of the State, Territory, or possession of the United States or of the foreign country in which the pineapples were grown may intervene.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the *Federal Register* file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 90 days from the date of its publication in the *Federal Register* except as to any of its provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the *Federal Register*.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: July 13, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

Pennsylvania Regulations on Labeling Drinks, Nectars

The Pennsylvania Department of Agriculture is preparing to enforce its regulations under Pennsylvania's Non-Alcoholic Drinks Law. The regulations require special label statements on such products offered for sale in that state.

The law and regulations cover, among other things, fruit and vegetable juices which have been diluted by the addition of water, but do not relate to undiluted or concentrated juices. The regulations require:

(1) Each package or container of non-alcoholic drinks shall show the true name of the drink, the name and address of the manufacturing or packing plant, and the net contents.

(2) If artificial color, except caramel color, or artificial flavors are used, the words "artificially colored," "artificially flavored," or "artificially colored and flavored" must be prominently printed, stamped, embossed, or marked on the labels, bottles, or caps. The inclusion of that declaration in the list of ingredients is not sufficient.

(3) Beverages containing artificial (imitation) flavoring or natural products supplemented with artificial flavoring shall be distinctly marked, labeled, or capped with the word "imitation" followed by the name of the flavor imitated, and all words shall be in similar type, at least one-half the size of the name of the product imitated, and on the same contrasting background.

The Pennsylvania Canners Association, in furnishing this information, suggests that if canners find it necessary to change their labels to comply with these regulations, proofs of the proposed labels should be submitted for approval to Delmar K. Myers, Acting Director, Bureau of Foods and Chemistry, Pennsylvania Department of Agriculture, Harrisburg, Pa.

A committee of canners concerned with the problem will meet at Harrisburg July 28. Any comments or suggestions for consideration at that meeting should be submitted prior to that date to Jack R. Grey, Pennsylvania Canners Association, 25 N. Duke St., York, Pa.

1960 Almanac

The 1960 *Almanac of the Canning, Freezing and Preserving Industries* contains statistics measuring the growth of canned foods in recent years. According to the figures, the value of canned fruits increased 23 percent and the value of canned vegetables increased 10 percent in the last decade.

The 1960 *Almanac* also contains a seven-year record of canned food prices, listed quarterly by area, can size, grade and style, so as to provide a historical record.

Pesticides and food additives also are given special treatment. In addition to the Food and Drug Act itself, the Almanac contains an editorial summary of developments to date and a summary of N.C.A. recommendations, including a sample of written assurance of raw product purity and a seller-buyer guarantee.

FDA standards and USDA standards for grades, acreages, yields and raw product prices, label weights, can sizes, pack and stock figures, and other continuing features of the *Almanac* have been brought up to date.

The 1960 *Almanac* may be ordered, at $3 a copy, from P. O. Box 248, Westminster, Md.

Thomas C. Dennehy, Jr.

Thomas C. Dennehy, Jr., 59, well-known food buyer in the Chicago office of the Military Subsistence Supply Agency, died there July 17.

Mr. Dennehy had served since 1950 as purchasing agent in the fruit and vegetable department of the Chicago region Market Center.

Formerly president of Sprague Warner & Co., one of Chicago's oldest wholesale grocery companies, he was chief of the QMC's vegetable procurement during World War II. When he left the Army in 1945, he became president of the Lange Canning Corporation in Eau Claire, Wis.

MSSA Requirements for Canned Figs

Tentative requirements for canned figs from the 1960 crop to meet the needs of the armed services were announced July 21 by the MSSA in Chicago. Procurement will be made by Headquarters, Oakland Region, MSSA, 2155 Webster St., Alameda, Calif.

Estimated requirements are for 1,811,000 pounds of Grade A figs in No. 2½ cans.

Forthcoming Meetings

July 25-Aug. 5—New York State Canners and Freezers Association, Technicians School (co-sponsored by N.C.A.), Experiment Station, Geneva

July 29—Northwest Canners and Freezers Association, Summer Membership Meeting, Timberline Lodge, Mt. Hood, Ore.

Oct. 6-9—Florida Canners Association, 29th Annual Convention, Fontainebleau Hotel, Miami Beach

Oct. 19-21—National Pickle Packers Association, Annual Meeting, Edgewater Beach Hotel, Chicago

Nov. 3—Illinois Canners Association, Fall Meeting, LaSalle Hotel, Chicago

Nov. 4-5—Florida Vegetable Canners Association, 2d Annual Convention, Deauville Hotel, Miami Beach

Nov. 13-16—Georgia Canners Association, Annual Convention, General Oglethorpe Hotel, Savannah

Nov. 14-15—Wisconsin Canners Association, 56th Annual Convention, Schroeder Hotel, Milwaukee

Nov. 20-21—Pennsylvania Canners Association, 46th Annual Convention, Yorktowne Hotel, York

Nov. 21-22—Michigan Canners and Freezers Association, Fall Meeting, Pantlind Hotel, Grand Rapids

Nov. 28-29—Ohio Canners and Food Processors Association, 53d Annual Convention, Deshler-Hilton Hotel, Columbus

Nov. 28-Dec. 1—Vegetable Growers Association of America, Annual Convention, Schroeder Hotel, Milwaukee

Dec. 1-2—New York State Canners and Freezers Association, 75th Annual Meeting, Statler-Hilton Hotel, Buffalo

Dec. 5-6—Tri-State Packers Association, Annual Convention, Lord Baltimore Hotel, Baltimore

Dec. 10-14—National Food Brokers Association, National Food Sales Conference, The Conrad Hilton Hotel, Chicago

Dec. 12-14—National Conference on Water Pollution, Sheraton-Park Hotel, Washington, D. C.

Jan. 8-10—National Preservers Association, Annual Convention, Galt Ocean Mile Hotel, Ft. Lauderdale, Fla.

Jan. 12-13—Canners League of California, 38th Annual Fruit and Vegetable Sample Cuttings, Fairmont Hotel, San Francisco

Jan. 12-15—Association of Food Distributors, Annual Convention, Galt Ocean Mile Hotel, Ft. Lauderdale, Fla.

Jan. 23-26—NATIONAL CANNERS ASSOCIATION and Canning Machinery and Supplies Association, 54th Annual Conventions, The Conrad Hilton Hotel, Chicago

Jan. 29-Feb. 1—Canadian Food Processors Association, Annual Convention, Prince Edward Hotel, Windsor, Ont.

Feb. 2-3—Statistical Quality Control and Instrumentation Workshop for the Food Industry (co-sponsored by N.C.A.), Cornell University, Ithaca, N.Y.

Feb. 21-22—Special Industrial Radio Service Association, 9th Annual Meeting, Bakersfield, Calif.

March 3-4—Virginia Canners Association, 53d Annual Meeting, Hotel Roanoke, Roanoke

March 4-9—National Association of Frozen Food Packers, 20th Annual Convention, Dallas

March 5-7—Canners League of California, 57th Annual Meeting, Santa Barbara Biltmore, Santa Barbara

April 6-8—Institutional Food Distributors of America, Annual Convention, Hotel Americana, Bal Harbour, Fla.

April 9-12—U. S. Wholesale Grocers Association, Annual Convention, Hotel Americana, Bal Harbour, Fla.

USDA Limits Use of Thallium, Toxic Chemical, in Pesticides

The Agricultural Research Service of USDA has issued an interpretation of its pesticide regulations that will limit the proportion of thallium in any compound and will require labeling of thallium compounds to indicate their toxicity. Many industrial pesticides as well as household chemicals contain thallium or thallium sulfate, a slow-acting cumulative poison which is dangerous to humans both by ingestion and by skin absorption.

The ARS interpretation states, in part:

"(a) *Composition.* (1) These products usually contain thallium sulfate (Tl_2SO_4) uniformly dispersed in a water solution or a bait substance in the form of syrup, paste, or solid (crumbs). The syrups usually contain at least 20 percent of sugar, including various amounts of honey, molasses, or other saccharids. Insecticidally attractive bait solids are frequently cake crumbs or crumbs from bakeries. Baits also include fatty substances, such as peanut butter, lard, or vegetable shortening alone or with sweetened substances or cereals. Occasionally such cereals as corn meal or dried bread crumbs will be used alone, or with a low percentage of mineral oil added to reduce dusting.

"(2) High-percentage baits containing thallium sulfate are extremely hazardous to persons using them as well as to pets, children, and other persons who may frequent the baited area. These hazards are particularly aggravated when such baits are exposed in open containers. Children and pets are quite likely to mistake these products for food because of their palatable nature. In view of these hazards and the serious dangers which are inherent in the use of high-percentage formulas of thallium sulfate as household pesticides, including the poisoning of children, no product of this type may contain more than 1.25 percent of thallium sulfate, or 1.0 percent of thallium calculated as the metallic element.

"(b) *Ingredient statement.* (1) Since all formulations containing thallium compounds which are acceptable for registration are regarded as highly toxic within the meaning of §362.8 for the enforcement of the [Federal Insecticide, Fungicide, and Rodenticide] Act, the following form of ingredient statement is required:

"Active ingredient: Thallium sulfate .... %
Inert ingredients .... %

Total .... 100%"

The ARS interpretation was published in the *Federal Register* of June 30 and will be effective 90 days thereafter.

Local Publicity Obtained for Canned Foods Contest Winners

One of the publicity aims of the *Modern Romances* magazine canned foods contest, undertaken with the Dell Publishing Company as a project of the N.C.A. Consumer and Trade Relations Program, was to get the canned foods story told in various sections of the country.

Nearly 5,000 readers of the magazine entered the contest from all states and there were winners in 30 states. The first-place winner was from Michigan, but local mention also was obtained for 100 runnersup. Publicity on canned foods thus was carried into many sections of the nation.

Publicity came from two sources: (1) Representatives of Dell Publishing acted with local papers and broadcasting stations, and (2) N.C.A., with its agency, Dudley-Anderson-Yutzy, and the state secretaries who operated packaging depots for assembly of the prize samples contributed by N.C.A. members.

Some of the returns of these efforts can now be reported, with circulation figures where available:

Modern Romances listed the 100 winners in its August issue (1,148,923) and also gave publicity to the national winner, which included appearance on an ABC-TV network program, and a mention in Louella Parsons syndicated column, both of which amounted to millions of national circulation. Earlier, *Modern Romances* had carried a seven-page section on canned foods in its March issue, including announcement of the contest plans.

Alabama—Gadsden *Times* (25,737), story about local winner.

California—News photo made of W. F. Allewelt, Jr., president, and M. A. Clevenger, executive vice president, packaging prizes at Canners League of California. Publicity in Buena Park *News* (5,000); Pomona *Progress Bulletin* (29,815); Atwater *Signal* (4,237).

Colorado—Leadville *Herald Democrat* (1,514) and Carbonate *Chronicle* (770), stories about local winners.

District of Columbia—Picture feature of local winner receiving her prize from N.C.A. President Milan D. Smith in Washington *Star* (264,717); radio interview with Nelson H. Budd, Information Director (200,000); story in Washington *Daily News* (174,434).

Illinois—Stories on local winner in East St. Louis *Journal* (35,148) and Orleans *Progress-Examiner* (1,728).

Indiana—Story on local winner in Muncie *Star* (31,237); photo of Owens-Illinois prize carton packages in Jonesboro *Journal* (500).

Iowa—Press photo of Guy Pollock, secretary, Iowa-Nebraska Canners Association, making presentation to local prize winner in Marshalltown *Times-Republican* (3,218), Tama *News-Herald* (3,128).

Maine—Story on local winner in Lewiston French paper, *Le Messager* (3,141).

Maryland—Press photo of John W. Rue, secretary, Tri-State Packers' Association, and Francis Wrightson, Charles T. Wrightson & Son, Inc., with truck delivering prize packages to local winners in Easton *Star-Democrat* (5,880); *Canning Trade* (2,087); *Southern Food Processor* (2,100); local publicity on winners in Salisbury *Times* (23,382), Frederick *News* (8,551), Frederick *Post* (9,885).

Massachusetts—Story on local winner in Lowell *Sun* (42,164).

Michigan—Picture feature of first prize winner and her family receiving canned foods from R. L. Hutchinson, president of the Michigan Canners and Freezers Association, in Mount Clemens *Monitor Leader* (12,564) and *Food Field* Reporter (15,522). Story and picture of prize winning family in July and August issues, respectively, of *Modern Romances* (1,148,923).

Minnesota—Stories on local winners in Hopkins *Review* (4,978) and Two Harbors *Chronicle and Times* (2,489).

Montana—Story on the local winner in Hamilton *Western News* (1,847).

New Jersey—Story on local winner in Middlebush-Franklin *News-Record* (2,144).

New York—Story on local winner in Skaneateles *Mirror* (391).

Ohio—Stories on local winners in Middletown *Journal* (21,449), Lima *Citizen* (24,970), Bryan *Times* (4,651).

Oregon—Press photo of Cecil R. Tulley, executive vice president, Northwest Canners and Freezers Association, and Henry Townend, North Pacific Canners & Packers, Inc., packing prize packages for Northwest area area winners, released to Portland papers and trade journals. No record of publication as yet.

Pennsylvania—Press photo of Jack R. Grey, president, Pennsylvania Canners Association, and Dwight Summers, Charles G. Summers, Jr., Inc., packing prize packages, in *Southern Food Processor* (2,100), *Canning Trade* (2,087) and *Pennsylvania Packer* (1,875). Stories about local winners in Mahanoy City *Record-American* (6,557), Windberg *Era* (1,429), Tamqua *Courier* (5,140), Royersford Twinboro *Weekly Advertiser* (2,535).

South Dakota—Story about local winner in Huron *Plainsman* (13,124).

Texas—Stories on local winners in Dallas *News* (211,763) and Denison *Herald* (12,816).

Virginia—Stories on local winners in Culpeper *Star-Exponent* (3,997) and Waynesboro *News Virginian* (9,088).

Wisconsin—Press photo showing Marvin Verhulst, secretary, Wisconsin Canners Association, and Joseph B. Weix, Jr., Chairman of the N.C.A. Consumer and Trade Relations Committee, packing prize packages for state winners. No record of publication as yet.

Wyoming—Story on local winner in Cheyenne *Wyoming State Tribune* (10,122).

Typical of comments and reactions of the prize winners is this statement from one of them: "Thank you and all who made this possible. Thank you for the money saved on our grocery bill, for the vitamins in canned foods my family will get and thanks for making our meals better from the prize of 107 cans of food we received from you."

USDA Measures Increases in Processed Food Consumption

U. S. civilian consumption of canned foods during the 30-year period 1925-54 increased 275 percent, according to a report by the USDA.

The report notes that practically all farm foods undergo some form of processing, and traces trends in processing, compares prices of processed and unprocessed foods, describes differences in form and type of processing, evaluates changes, and considers the outlook for future processing of farm foods.

The proportion of foods processed beyond the minimum degree necessary for retail sale went up from 25 percent in 1925 to 35 percent in 1954. Over the same period, the proportion of total supply of farm foods handled by marketing agencies rose from 80 to 91 percent.

The report foresees increased demand for processed foods by the away-from-home food market and suggests that increased household consumption of processed foods may be conditioned by changes in income levels and urbanization.

Copies of the report, *Consumption of Processed Farm Foods in the United States* (MRR 409), may be obtained from the Agricultural Marketing Service, USDA, Washington 25, D. C.

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